

1 JOHN A. RUSSO, City Attorney - State Bar #129729
RANDOLPH W. HALL, Chief Assistant City Attorney - State Bar #080142
2 JAMES F. HODGKINS, Supervising Trial Attorney - State Bar #142561
CHARLES VOSE, Senior Deputy City Attorney - State Bar #139700
3 One Frank H. Ogawa Plaza, 6th Floor
Oakland, California 94612
4 Telephone: (510) 238-2961 Fax: (510) 238-6500
24423/373573

5 Attorneys for Defendants
6 CITY OF OAKLAND, RICHARD WORD,
GREG LOUD, SEAN BOWLING,
7 FRANK BONIFACIO, LARRY MILLIKEN,
and CRAIG HARDISON

8
9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 MILTON MCMATH, DERRICK SHAVERS,

13 Plaintiffs,

14 v.

15 CITY OF OAKLAND, RICHARD WORD,
16 GREG LOUD, SEAN BOWLING,
FRANK BONIFACIO, LARRY MILLIKEN,
17 and CRAIG HARDISON,

18 Defendants.
19

Case No. C-05-03111-EDL

**STIPULATION AND ORDER
CONTINUING SETTLEMENT
CONFERENCE**

20 The Settlement Conference in this matter is currently scheduled for June 13, 2006
21 at 9:30 a.m. before The Honorable Magistrate Judge Spero. The scheduled Settlement
22 Conference was continued to this date to provide Defendants an opportunity to interview
23 and depose potential Plaintiff witnesses in this matter.
24

25 ///

1 Defendants have been proceeding diligently and in good faith to interview several of
 2 Plaintiffs' witnesses. However, Defendants' investigator has been unable to locate three
 3 of Plaintiffs' witnesses. Plaintiff has provided Defendants with new contact information for
 4 these witnesses and Defendants are in the process of attempting to contact and interview
 5 these witnesses. However, Defendants will be unable to depose (if Defendants need to)
 6 these witnesses prior to the scheduled Settlement Conference. Defendants want to
 7 interview and possibly depose these witnesses in order to evaluate any potential
 8 settlement in this matter.
 9

10 The parties, through their counsel of record, therefore stipulate that the Settlement
 11 Conference in this matter be continued to Thursday, August 10, 2006 at 11:00 a.m. before
 12 The Honorable Magistrate Judge Spero in Courtroom E of the above entitled court.
 13

14 **IT IS SO STIPULATED.**

15 DATED: May 23, 2006

16 JOHN A. RUSSO, City Attorney
 17 RANDOLPH W. HALL, Chief Assistant City Attorney
 18 JAMES HODGKINS, Supervising Trial Attorney
 19 CHARLES E. VOSE, Senior Deputy City Attorney

20 By: _____ /S/
 Attorneys for Defendant
 City of Oakland

21 DATED: May 23, 2006

22 LAW OFFICES OF JOHN BURRIS

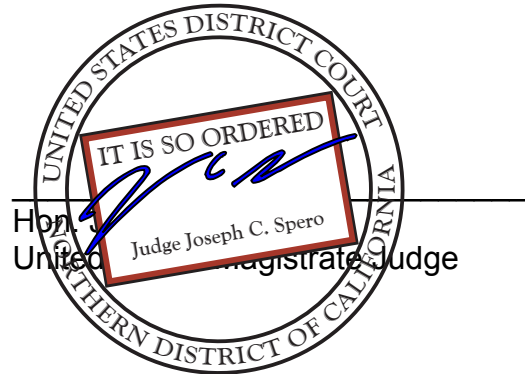
23 By: _____ /S/
 24 BEN NISENBAUM
 25 Attorney for Plaintiff
 26

ORDER

Pursuant to the stipulation of the parties and GOOD CAUSE APPEARING THEREFORE, IT IS ORDERED that the Settlement Conference in this matter be continued to Thursday, August 10, 2006 at 11:00 a.m. Updated Settlement Conference Statements shall be lodged with the Court by August 3, 2006.

IT IS SO ORDERED.

Dated: May 26, 2006



Hon. Judge Joseph C. Spero
United States District Judge

PROOF OF SERVICE
MCMATH v. CITY OF OAKLAND, ET AL.
United States District Court Case No. C05 03111 EDL

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is One Frank Ogawa Plaza, 6th Floor, Oakland, CA 94612. On the date below, I served the within documents:

**STIPULATION AND ORDER CONTINUING SETTLEMENT
CONFERENCE**

by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.

X by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California addressed as set forth.

by causing personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth below.

by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

by causing such envelope to be sent by Federal Express/ Express Mail.

BENJAMIN NISENBAUM, ESQ.
LAW OFFICES OF JOHN BURRIS
7677 OAKPORT ST., STE. 1120
OAKLAND, CA 94621

Telephone: (510) 839-5200
Fax: (510) 839-3882

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on May 25, 2006, at Oakland, CA.

CRYSTAL ROZA